



# Illinois Department of Transportation

## Memorandum

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To: All District Engineers      Edward Gower      Linda Wheeler  
William Blake      Stephen Schindel      William Sunley

From: Gary Gould      *Gary Gould*

Subject: IDNR-IDOT Natural Resource  
Review and Coordination Agreement

Date: February 2, 1996

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Attached for your information and use is a copy of an executed interagency agreement between the Illinois Department of Natural Resources (IDNR) and the Illinois Department of Transportation (IDOT). The agreement establishes a framework for early coordination between the two agencies on natural resource issues and for follow-up coordination as necessary for compliance with applicable requirements for specific resource issues. It was developed to clarify responsibilities, thresholds, and time frames for coordination to ensure timely and appropriate consideration of natural resource issues by both agencies and to eliminate unnecessary coordination.

The agreement clarifies that the Bureau of Design and Environment (BDE) and the IDNR Transportation Program Manager will be the primary points of contact for coordination of IDOT project information. The Environmental Survey Request will continue to be the mechanism for submitting projects to the BDE for evaluation of potential natural resource impacts and for coordination with the IDNR, as appropriate. The existing triggers for submittal of an Environmental Survey Request to the BDE, specified in BLE Procedure Memorandum 95-2, will remain unchanged. These triggers define the types of projects that typically may be subject to coordination with the IDNR (i.e., if a project does not require submittal of an Environmental Survey Request, it generally will not require coordination with the IDNR). The BDE will apply the thresholds in the agreement in determining the extent to which coordination with IDNR is necessary.

Under the executed agreement, the BDE will coordinate with the IDNR for "E & T Prescreening" (i.e., checking the proposed project location against the Natural Heritage Database) on a greater number of projects than in the past. The IDNR is committed to a maximum 30-day turnaround for this review. (Actual return times have been considerably shorter for the vast majority of submittals coordinated within the past two years).

The agreement clarifies that project review coordination with IDNR beyond the "E & T Prescreening" normally is required *only* for projects that involve specified resource concerns under the IDNR's jurisdiction. For the "Streams" and

"Forests/Trees" aspects, the agreement defines additional criteria that limit the extent to which this concern requires further coordination. The agreement also recognizes that "programmatic agreements" may be developed for resource concerns that will eliminate the need for project specific coordination with the IDNR. Such programmatic agreements will set forth conditions or standards which, if satisfied, will address IDNR's concerns for the issue involved without the need for a project-specific IDNR review. (An example would be the restriction on the timing of tree clearing for projects affecting Indiana Bat breeding habitat. If IDOT will comply with the restriction, coordination with IDNR regarding this aspect would not be required.) As programmatic agreements are approved for specific resource issues, the BDE will disseminate copies to affected IDOT offices.

The agreement establishes a maximum 90-day time frame for IDNR to respond to submittals for projects determined to involve one or more of the natural resource issues specified in the agreement. (The IDNR has advised it will make every effort to respond as quickly as possible.) The agreement also clarifies how unresolved differences resulting from project coordination will be addressed and sets time limits for this process.

The agreement extends from two to three years the validity period for IDNR's review and clarifies that this period commences on the date that IDNR and IDOT conclude coordination necessary to address resources covered by the agreement. If a project that underwent "E & T Prescreening" or "IDNR Project Review" coordination has not commenced (i.e., been advertised for bid letting) within the three-year time frame, the project must be resubmitted to the IDNR. If no resource issues are determined to be involved, the three-year time limit begins on the date that this determination is documented by the BDE. If one or more resource issue is involved, the period commences on the date that formal coordination with IDNR has been concluded for all of these issues. When multiple resource issues are involved, coordination typically will not be concluded simultaneously for all of the issues. In this case, as issues are resolved, the validity period will be re-set to extend for three years from the latest resource issue resolution date. Offices responsible for project development activities beyond the planning phase must carefully track the final validity period for IDNR's review and must ensure that the project is resubmitted to the IDNR (with the original Agency Action Report form) if it is not advertised for bid letting within the three year period.

We believe this agreement will eliminate a number of problems that had impaired past project coordination efforts with the IDNR. The result should be a more effective coordination process that responds to the IDNR's need to ensure appropriate consideration and compliance regarding natural resource concerns and our need to accomplish the necessary coordination in a reasonable and timely manner.

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The agreement was signed in January of this year and the BDE already has begun implementation. Questions regarding the agreement may be directed to the BDE Environment Section at 785-2943 or the BDE Policy and Procedures Section at 782-3195.

Attachment

cc: J. C. Slifer  
J. W. McCree  
J. W. Miller

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## **Natural Resource Review and Coordination Agreement Between IDNR and IDOT**

This agreement between the Illinois Department of Transportation (IDOT) and the Illinois Department of Natural Resources (IDNR) is intended to set forth a framework for early coordination on natural resources issues and for follow-up coordination as necessary for compliance with statutory and regulatory requirements under the jurisdiction of IDNR. This agreement is subject to revision to meet future needs contingent upon concurrence with both the IDNR and IDOT.

### General Principles of Coordination

The IDNR Transportation Program Manager and the IDOT Bureau of Design and Environment (BDE) will be the primary points of contact for coordination of IDOT project information. The IDNR Program Manager will be responsible for ensuring that appropriate offices within IDNR receive IDOT project information for review in response to identified resource involvements. The IDNR Transportation Program Manager will be responsible for notifying the IDOT of any additional information needed for IDNR to complete its review. The IDOT point-of-contact will be responsible for supplying IDNR with the information necessary to complete the review of a project, including the initial information for endangered and threatened species review, and more complete information for projects required to be submitted for a more thorough analysis.

All official comments, recommendations and responses made by either IDNR or IDOT shall be made in writing, except emergency situations which are defined in IDNR administrative rules (17 Ill. Admin. Code 1075). Verbal responses may be allowed for urgent situations, with a written response due within five days following the action taken.

The review process shall include an examination of the potential for impacts to natural resources in general, and to ensure compliance with the Interagency Wetlands Policy Act of 1989, the Endangered Species Protection Act, and the Illinois Natural Areas Preservation Act. Upon completion of the review, sign-off will be provided for each Act in order to confirm the IDOT's compliance with these state laws.

The review conducted is valid for a period of three years from the date of resource issue resolution for the project (i.e., the date upon which IDOT and IDNR conclude formal coordination necessary to address resources covered by this Agreement). If the project has not commenced (i.e., advertised for bid letting) in that time, it must be resubmitted for IDNR review. It is incumbent upon the IDOT to submit the original Agency Action Report to IDNR when a review has expired in order to have the project reexamined.

### Review Process

All steps in the review process are illustrated in the attached flow chart, "IDNR-IDOT Project Coordination" (Appendix I).

#### E&T Pre-Screening

For projects affecting only agricultural cropland or urban properties developed for residential, commercial, or industrial purposes, the IDOT need not submit an Agency Action Report (AAR) to the IDNR. For all other projects, the IDOT shall submit to the IDNR an AAR for pre-screening against the Natural Heritage Database. The AAR shall indicate the location of the proposed project, and shall include a map delineating the project boundaries. Within 30 days of receipt of this report, IDNR will provide a response:

1. If no species or INAI sites are known to occur and fieldwork is not recommended, the AAR is signed, dated, and returned to IDOT, with consultation having been completed. If it is subsequently determined that the project involves other resource issues covered by this agreement, the IDNR will re-screen the project against the Natural Heritage Database prior to affirming resource issue resolution. The sign-off is valid for three years from the initial IDNR signature date on the AAR or from the date of resource issue resolution, if other resources are involved.
2. If listed species or INAI sites are known to occur within the vicinity of the proposed action, the information will be made available to IDOT. Any recommendations regarding the need for fieldwork will also be conveyed. This information will be submitted directly to IDOT, with future coordination being directly between IDOT and the IDNR Transportation Program Manager.

#### IDNR Project Review

IDOT will review proposed projects (using maps, aerial photos, the Natural Heritage database, and field surveys) to determine if they potentially involve any of the resource issues in the following list.

##### Resource Wetlands

##### Further Clarification

Streams

Includes those streams listed in Appendix II as well as the riparian corridor

Resources (con't)

Forests/Trees            The bisecting of a forest or the removal of a significant number of trees (Appendix III)

Prairie/Savanna Areas

IDNR Properties

Nature Preserves/Natural Area Inventory sites/sites registered under the Register of Land and Water Reserves

T & E Species           Includes previously documented occurrences available to IDOT & data from the Natural Heritage Database

If the IDOT determines on the basis of its review that a project does not involve any resource issues of interest to the IDNR, the project is not required to be submitted to IDNR for review.

If surveys were recommended by the IDNR during the pre-screening process, copies of the survey results shall be provided to the IDNR, or if the surveys were not conducted as recommended, the IDOT will provide documentation to support this decision. When any of the resources listed above are determined to occur in the area a proposed project may affect, the IDOT will determine whether the resources are covered by a programmatic agreement reached between IDNR and IDOT for avoidance and mitigation of impacts. If the resources are covered by such an agreement and the project will comply with the agreed terms, no further coordination is necessary.

If the identified resources are not covered by a programmatic agreement, or if the IDOT is unable to comply with the provisions of such an agreement, the IDOT will prepare and submit to the IDNR Transportation Program Manager a Biological Resources Review (BRR). The BRR shall indicate the results of fieldwork conducted and shall describe efforts made to avoid or minimize adverse impacts to the identified resources. If the translocation of a listed species is proposed in the BRR, the IDOT will provide sufficient information to enable the IDNR to evaluate the likelihood of success.

The IDNR Transportation Program Manager will review the BRR and supporting documentation and coordinate with appropriate staff to determine whether further analysis or recommendations are required. After the review and within 90 days of receipt of the BRR, IDNR will submit one of the following two responses to IDOT:

1. IDNR accepts the conclusions/proposals contained in IDOT's BRR and provides a form indicating successful closure of the endangered species consultation process and compliance with the Interagency Wetlands Policy Act. The sign-off is valid for three years, from the date of the Agency Action Report or when resource issue resolution is reached.

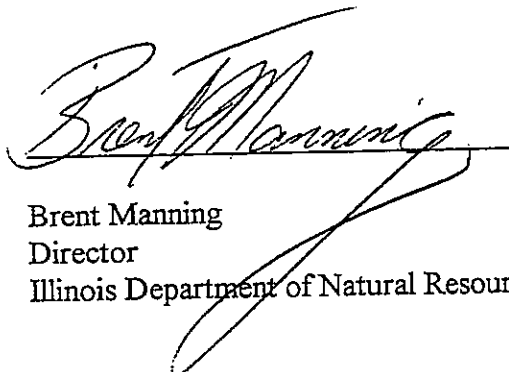
2. IDNR does not accept the conclusions/ proposals contained in IDOT's BRR and makes recommendations as to how impacts might be avoided or further minimized. Both agencies have 45 days to resolve any differences that may remain upon which time, IDNR shall provide to IDOT sign-off indicating compliance with both state Acts. If resolution is not reached within the 45-day period, either the process ends and is classified as having failed or partially failed to protect the resource involved, a decision is made to elevate the issue(s) within each agency, or upon mutual agreement by both parties the negotiations may continue.

IDOT shall implement the project and mitigation as agreed. Any reports required by the agreement shall be submitted to the IDNR Transportation Program Manager for review and coordination with other staff.

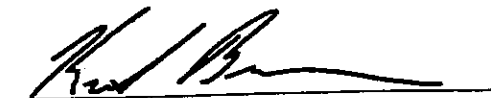
IDOT shall monitor the mitigation project(s) as agreed or required by the wetland compensation plan and submit reports to IDNR as indicated.

IDNR may request from IDOT a list(partial or in its entirety) of their projects not submitted for review from the previous calendar year.

If during the development of a project, new information is obtained or the scope of the project changes to the extent that IDNR would have been involved initially, IDOT shall contact the IDNR Transportation Program Manager to discuss the need for further coordination. Also, if IDNR is concerned with a resource issue not reflected on this list, or if new information becomes available after a project review has been completed, IDNR may request that IDOT submit the project for review.



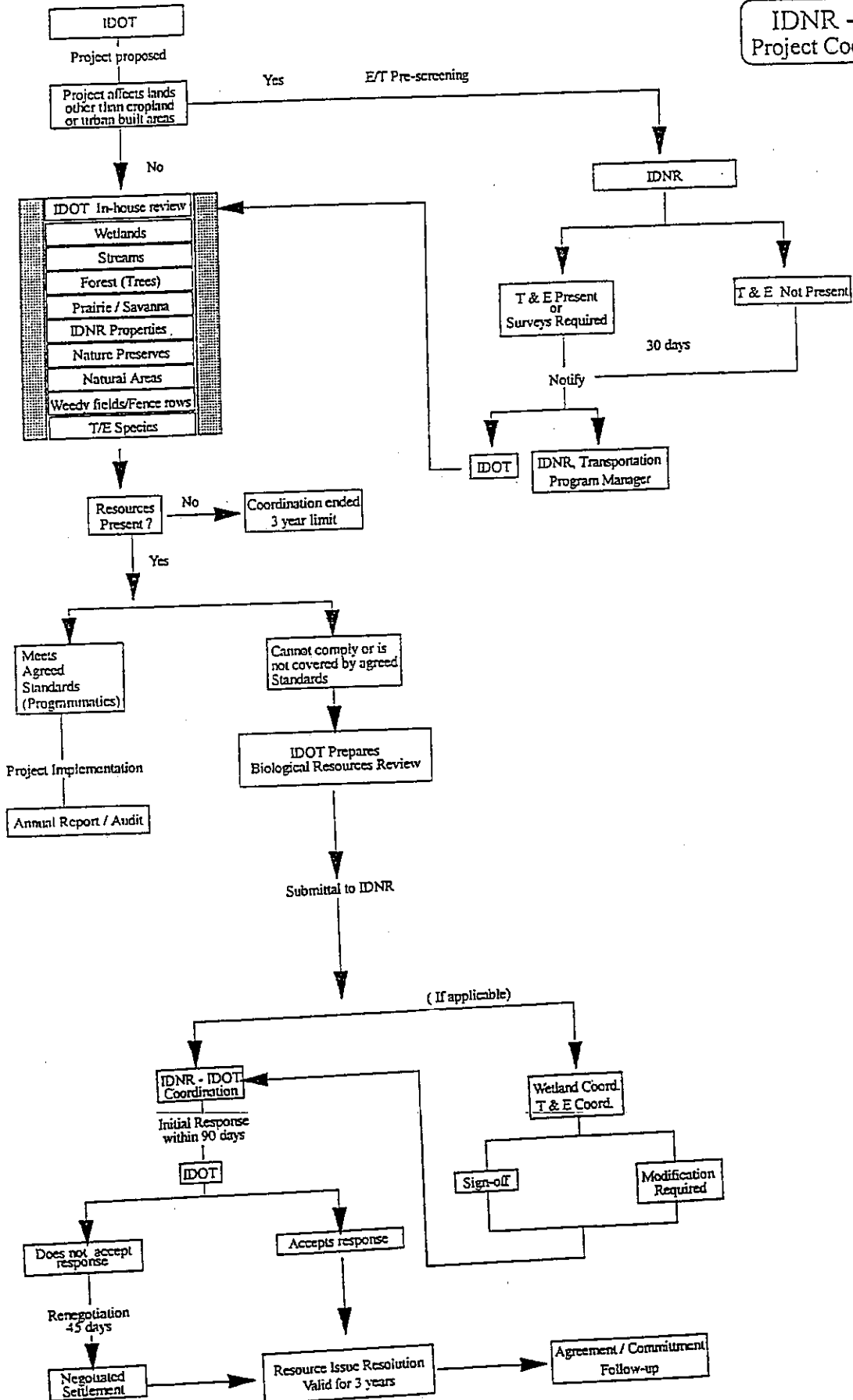
Brent Manning  
Director  
Illinois Department of Natural Resources



Kirk Brown  
Secretary  
Illinois Department of Transportation

# APPENDIX I

## IDNR - IDOT Project Coordination



## APPENDIX II

### CLASS I STREAMS BY COUNTY

Adam	McKee Creek Mississippi River
Alexander	Lake Creek Mississippi River Ohio River Miller-Sammons Creek Orchard Creek
Bond	Beaver Creek
Boone	Kinnikinnick Creek Kishwaukee River Unnamed tributary of S. Branch of Kishwaukee (T43N, R3E, Sec. 18 and T43N, R2E, Sec.13)
Brown	Little Missouri Creek McKee Creek
Bureau	Fairfield Ditch
Calhoun	Mississippi River
Carroll	Apple River Eagle Creek Mississippi River Rush Creek
Champaign	Lonetree Creek Salt Fork, Vermilion River Sangamon River Spoon River
Clark	Wabash River
Clay	Little Wabash River Weather Creek

## APPENDIX II CONTINUED

Clinton	Beaver Creek Crooked Creek Shoal Creek
Coles	Embarras River Indian Creek Kickapoo Creek Riley Creek
Crawford	Wabash River
Cumberland	Embarras River Indian Creek
DeWitt	Ten Mile Creek
Douglas	Embarras River
Edgar	Brouillets Creek
Effingham	Little Salt Creek
Fayette	Ramsey Creek Wolf Creek
Ford	Henline Creek Mackinaw River
Franklin	Big Muddy River Little Muddy River
Fulton	Spoon River
Gallatin	Cypress Creek Little Wabash River Ohio River Robinette Creek Wabash River
Grundy	Mazon River Illinois River
Hamilton	North Fork Saline River Ten Mile Creek

## APPENDIX II CONTINUED

Hancock	Mississippi River
Hardin	Big Creek Goose Creek Haney Creek Hosick Creek Ohio River Peters Creek Rock Creek
Henderson	Mississippi River
Henry	Rock River
Iroquois	Little Beaver Creek North Fork, Vermilion River Spring Creek Sugar Creek Unnamed tributary of Beaver Creek (T29N, R11W, Sec.22)
Jackson	Beaucoup Creek Big Muddy River Little Muddy River Piney Creek Mississippi River
Jasper	Embarras River
Jo Daviess	Apple River Mississippi River
Johnson	Bay Creek Cache River Clifty Creek Sugar Creek
Kane	Blackberry Creek
Kankakee	Baker Creek Kankakee River Little Beaver Creek Rock Creek
Kendall	Fox River

# APPENDIX II CONTINUED

Knox	Spoon River
Lake	Des Plaines River Bull Creek Mill Creek Unnamed tributary of Des Plaines River (T45N, R11E, Sec. 27, 28)
La Salle	Buck Creek Fox River Illinois River Vermilion River
Lawrence	Wabash River
Lee	Rock River
Livingston	Mazon River Vermilion River of the Illinois Rooks Creek Mud Creek
Logan	Kickapoo Creek Salt Creek
Macon	Sanagmon River
Marion	Dismal Creek Skillet Fork Creek
Mason	Crane Creek
Massac	Ohio River
McHenry	Lawrence Creek Little Beaver Creek Kishwaukee River Newman Creek North Branch, Kishwaukee River Piscasaw Creek West Branch, Piscasaw Creek

# APPENDIX II CONTINUED

McLean	Henline Creek Kickapoo Creek Lonetree Creek Mackinaw River Sangamon River
Menard	Sangamon River
Mercer	Mississippi River
Moultrie	West Okaw River
Ogle	Rock River
Peoria	Illinois River Spoon River
Perry	Beaucoup Creek Bonnie Creek Little Galum Creek White Walnut Creek
Piatt	Goose Creek Sangamon River
Pike	Blue Creek Fishhook Creek Mississippi River
Pope	Bay Creek Big Grand Pierre Creek Lusk Creek Ohio River
Pulaski	Cache River Miller Creek Ohio River Sexton Creek Cypress Creek
Putnam	Clear Creek
Randolph	Piney Creek Mississippi River

## APPENDIX II CONTINUED

Richland	Embarras River
Rock Island	Mississippi River Rock River
Saline	Little Saline River Rocky Branch, Battle Ford Creek
Sangamon	Sangamon River
Schuyler	La Moine River Little Missouri Creek
Shelby	Kaskaskia River
Stark	Spoon River
Stephenson	Pecatonica River Crane Grove Creek
Tazewell	Panther Creek
Union	Big Muddy River Cache River Clear Creek Dutch Creek Mississippi River
Vermilion	Jordan Creek Little Vermilion River Middle Fork, Vermilion River North Fork, Vermilion River Salt Fork, Vermilion River Vermilion River Bean Creek
Wabash	Wabash River
Wayne	Little Wabash River Skillet Fork Creek
White	Little Wabash River Skillet Fork Creek Wabash River

## APPENDIX II CONTINUED

Whiteside	Little Rock Creek
	Mississippi River
	Rock River
	Coon Creek
Will	Hickory Creek
	Kankakee River
	Manhattan Creek
	Plum Creek
Williamson	Lake Creek
	South Fork Saline River
	Sugar Creek
Winnebago	Kishwaukee River
	Pecatonica River
	Raccoon Creek
	Sugar River
Woodford	Panther Creek
	Walnut Creek

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## APPENDIX III

### FOREST/TREES

If any of the following conditions apply, the project will be submitted to IDNR for completion of the natural resource review process:

1. A project on new alignment involving impacts to a block of trees equal to or greater than 20 acres in size.
2. The removal of trees that would bisect or fragment a 20 acre or greater block of trees not associated with stream corridor
3. Within a stream corridor:
  - a. A project on new alignment on any stream segment;
  - b. A project on existing alignment if a stream listed in Appendix II is involved.

(Work involving the removal of dead and diseased trees for safety reasons need not be coordinated with the IDNR for review.)